

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Monzon
Serial No.: 10/561,557
Filed: 12/19/2005
Examiner: Pico, Eric E.
Group Art Unit: 3654
Title: COMPACT BEDPLATE WITH INTEGRATED,
ACCESSIBLE DEAD END HITCHES

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

This is in reply to the Examiner's Answer mailed 1 September 2009.

The Examiner argues the base combination of Orrman, et al. and Nakagaki, et al. is proper in paragraphs 78-80 of the Examiner's Answer. Rather than responding to Appellant's arguments, the Examiner has merely restated the rejection in paragraph 79. Appellant has shown why there would be no reason to modify Orrman, et al. in view of Nakagaki, et al., and that the location of Nakagaki's dead end hitches are likely related to its use of a support member 24/25.

Further, there is no reason set forth by the Examiner to support the combination. The Examiner argues that "extending the dead end hitches above a vertically lowermost surface would facilitate the connection between the dead end hitch and the bedplate and protect the dead end hitch." However, nothing within Nakagaki, et al. supports this contention. The Examiner appears to have made this argument up from whole cloth. Clearly, it is based on hindsight, as nothing within the art supports it.

Moreover, with regard to claim 2, there is nothing in the combination that would suggest the dead end hitches, as modified by Nakagaki, et al., would be on the bedplate. Rather, one would expect it would be on some form of construction similar to support 24/25 of Nakagaki, et al.

The Examiner does not respond to Appellant's arguments with regard to the several dependent claims. However, with regard to the specific rejections made, it is noted that Orrman, et al. is concerned with preserving space between its car and the wall, and the use of the plural structures as the Examiner suggests would have been obvious to meet claims 6, 7, 10-12, 14, 16 and 20 would all require additional structure be positioned between the car and the wall. Again, without valid reason, a worker in this art would not modify Orrman, et al. as the proposed modification would destroy the goal of Orrman, et al. of minimizing the required space between the wall and the car.

For all of the reasons set forth above, and for the reasons set forth in Appellant's main brief, the rejections are improper and should be reversed. Such action is solicited.

Respectfully submitted,

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